

1915

DIRECT PRIMARY LAW

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DIRECT PRIMARY LAW.

Submitted to electors by referendum. Defines political parties; declares that office of United

States senator, representative in congress, congressional party committeeman, delegate to national party convention and presidential elector shall be partisan, and all other offices non-partisan; regulates primary elections, nomination of candidates, form of ballot and voting at such elections, canvassing returns thereof, contests and fees; defines lawful campaign expenses and requires statement thereof; provides for election and organization of congressional party committees by political parties; provides penalties for violation of act, and repeals primary law of 1913.

YES

NO

Whereas, the legislature of the State of California, in regular session in April, 1915, passed, and the governor of the State of California, on the 28th day of April, 1915, approved a certain act, which act, together with its title, is in the words and figures following, to wit:

An act to provide for and regulate primary elections and providing for the election of party committees, and to repeal the act providing for and regulating primary elections known as the direct primary law and approved June 16, 1913, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act.

The people of the State of California do enact as follows:

Section 1. This act shall be known, and may be cited, as the "direct primary law."

Sec. 2. The following terms when used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

1. The term "primary election" shall mean and include any and every primary nominating election held under the provisions of this act as distinguished from a final election.

2. The term "August primary election" shall mean the primary election held in August of each even-numbered year for the purpose of nominating candidates for office to be voted on in the ensuing November election.

3. The term "May presidential primary election" shall mean the primary election, held in May of each bissextile or leap year, for the purpose of enabling the qualified electors of the several political parties to express their preference for their respective party candidates for president of the United States through the election of delegates to national party conventions.

4. The term "final election" shall mean any election, held for the purpose of electing public officers, other than a primary election, recall election, or special election.

5. The term "November election" shall mean the general election held in November of each even-numbered year.

6. The term "congressional officer" shall mean and include a United States senator, a representative in the congress of the United States, and a congressional party committeeman. The term "congressional office" shall mean and include any office filled by a congressional officer.

7. The term "county" shall include a city and county.

8. The terms "political party" and "party" shall mean an organization of electors qualified as a political party in accordance with the provisions contained in section 5 of this act.

9. The term "congressional party committeeman" shall mean a member of the congressional party committee of any party, elected, or otherwise chosen, from each assembly district of the state.

10. The term "city clerk" shall mean the clerk or secretary of the legislative body of any city or municipality.

Sec. 3. In every county and city and county in this state, having a registrar of voters, or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon county clerks and other officers, in relation to elections, shall be exercised and performed by such registrar of voters, or registrar of voters and board of election commissioners; and all nomination papers, list of candidates, expenses, and oaths of office, required by this statute to be filed with county clerks, shall be filed with the registrar of voters.

Sec. 4. If at any time there shall be created and established in this state the office of state election commissioner, then, and in that case, all functions required by this act to be performed in the office of the secretary of state shall be performed in the office of the state election commissioner, and all duties required by this act to be performed by the secretary of state shall be performed by the state election commissioner; and the words "state election commissioner" shall be understood to be meant wherever in this act the words "secretary of state" are used.

Sec. 5. A political party shall be recognized as such, and shall be entitled to participate in a primary election, only when, prior to the date of such primary election, it shall have complied with one or both of the following two conditions:

1. If it participated as a political party in the last preceding November election and any candidate nominated by it, and by no other political party, for any office voted on throughout the state polled at least three per cent of the entire vote of the state; or, providing no candidate nominated by it, and by no other political party, was voted on throughout the state at such election, if the total votes polled for all its candidates for representatives in congress within the state was equal to at least three per cent of the entire vote of the state.

2. If on or before the fiftieth day prior to any primary election, there shall be filed with the secretary of state a petition, setting forth the intention of the parties signing the same to form a political party and the name which they intend to adopt for such party, which name shall not be so similar to the name of an existing political party as to mislead voters. Such petition must be signed by registered qualified electors equal in number to at least three per cent of the entire vote of the state polled at the last preceding November election, and the signatures thereto certified by the county clerk of each county in which such electors are registered, and transmitted to the secretary of state substantially in the same manner as provided by this act for the signing, certification and transmission of nomination papers for state offices.

Sec. 6. All candidates for elective public offices, nominated under the provisions of this act, shall be nominated as follows:

1. By direct vote at primary elections held in accordance with the provisions of this act; provided, that electors of president and vice president of the United States shall be nominated as

provided in subdivision 2 of section 43 of this act; or.

2. By independent nomination in the manner provided by section 1188 of the Political Code (as said section was amended at the forty-first session of the legislature); provided, however, that no nomination shall be made under the provisions of said section 1188, except in the case of congressional offices, for any office for which a nomination has been made at a primary election; and provided, further, that any person whose nomination paper has been filed and who has had his name printed as candidate for nomination for any congressional office upon the official ballot at a primary election, and who, at such primary election, was not nominated for such office, shall be ineligible for nomination, under the provisions of said section 1188, for the same office at the ensuing final election. But a failure of any person to secure a nomination for a congressional office by one political party shall not deprive such person of a nomination at such primary by another political party for the same office.

Sec. 7. The provisions of this act shall not apply to the nomination of candidates to be voted upon at a special election to fill vacancies or at a recall election; or to the nomination of candidates for any municipal or county office, where the charter of such municipality or county provides a system for the nomination of such candidates; or to the nomination of candidates for office in any political district not formed for municipal purposes and other than a township; or to the nomination of freeholders to be elected for the purpose of framing a charter; or to the nomination of candidates for office in cities of the sixth class; or to the nomination of school district officers.

Sec. 8. The August primary election shall be held throughout the state at the legally designated polling place in each precinct therein, on the last Tuesday in August of each even-numbered year for the purpose of nominating candidates for office to be voted for at the next ensuing November election, and of electing members of the congressional party committee of each political party participating in such primary election, one member of which committee shall be elected at such primary election from each assembly district in the state. At least forty days prior to the time of holding each August primary election, the secretary of state shall certify to each county clerk the offices for which candidates are to be nominated at such August primary election and the names of the political parties qualified to participate therein. Within ten days after the receipt of such certificate each county clerk shall publish so much thereof as may be applicable to the particular county, once a week for two successive weeks in not more than two newspapers of general circulation published and circulated in such county.

Sec. 9. The day of the August primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of section ten of the Political Code. Any person entitled to vote at such August primary election or May presidential primary election shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absents himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages.

Sec. 10. Whenever any public officials are to be elected in any political subdivision of the state at an election other than the November election and such candidates are required to be nominated, or may be nominated, at a primary election held under the provisions of this act, such primary election shall be held throughout such political subdivision on the Tuesday three weeks next preceding the final election. The city clerk of such political subdivision shall give notice of such primary election by one publication thereof, in a newspaper of general circulation to be designated by the governing body of such political subdivision for that purpose. Such

publication shall be made not more than forty and not less than twenty-five days before such primary election. Such notice shall contain a complete statement of the offices for which candidates are to be nominated, the date of the holding of such primary election, the numbers or names (but not the boundaries) of voting precincts and the location of the polling places.

Sec. 11. The name of a candidate shall not be printed upon an official ballot to be used at any primary election unless at least forty days prior to such election, if the election be the August primary election or the May presidential primary election, or at least twenty-five days prior to any other primary election held under the provisions of this act, a nomination paper nominating such candidate shall have been prepared, circulated, signed, verified and left with the county clerk for examination, or for examination and filing, in the manner provided by this act; and unless such candidate shall file, in the same office where his nomination paper is required to be filed, and prior to the expiration of the time within which such nomination paper may be filed, his affidavit stating his name and residence, with the name of the street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the office for which he seeks to be nominated; that if nominated at such primary election he will accept such nomination and will not withdraw and that he will qualify as such officer if nominated and elected.

Sec. 12. All signatures to the nomination paper of a candidate must be verified by a verification deputy who shall be a registered qualified elector, appointed in the manner provided by this section. If the candidate is a candidate at a municipal primary election, such verification deputy must reside in the municipality within which such election is to be held and may serve only within such municipality, and a certificate of his appointment must be filed with the city clerk of such municipality. If the candidate is a candidate at any other primary election such verification deputy may serve anywhere within the county in which he resides, and a certificate of the appointment must be filed with the county clerk of such county. Verification deputies may be appointed at any time, and from time to time, but only in the following manner:

1. A candidate may appoint one or more of such verification deputies by filing with the proper officer a certificate of appointment, containing the name and residence of the candidate and the office for which he seeks to be nominated, and the names and residences of such verification deputies, which certificate shall be in substantially the following form:

Candidate's Appointment of Verification
Deputies.

I, the undersigned, a candidate for nomination for the office of _____, which nomination is to be made by direct vote at a primary election to be held on the _____ day of _____, 19____, do hereby appoint the following registered qualified electors of the (county) of _____, as verification deputies to obtain signatures in said (county) to a nomination paper placing me in nomination as a candidate for said office of _____.

Verification Deputies.

Names.	Residence.
-----	-----
-----	-----
-----	-----
-----	-----
etc.	etc.

(Signature) _____
(Residence) _____

If the candidate is a candidate for an office to be voted upon in more than one county, he may appoint verification deputies in each county in which he may desire his nomination paper to be circulated.

2. As an alternative to, or in addition to, the candidate's appointment of verification deputies, the following method of appointment may be employed:

Any five registered qualified electors of county, or of the municipality, if desiring to pre-

ther declare that I intend to support for such nomination the candidate named herein.

No.	Precinct	Signature	Residence	Date
1				
2				
3				
4				
5				
etc.				

Verification Deputy's Affidavit.

I, _____, solemnly swear (or affirm) that I have been appointed according to the provisions of the direct primary law, as a verification deputy to secure signatures in (the county of _____) to the nomination paper of _____, as candidate for nomination for the office of _____; that all the signatures on this section of said nomination paper, numbered from 1 to _____, inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) _____

Verification Deputy.

Subscribed and sworn to before me this _____ day of _____, 19____.

[Seal] _____ Notary Public (or other official).

If the candidate is proposed as a candidate for nomination for a congressional office or for the office of delegate to a national party convention, in each of the three places in the form of the nomination paper where the words "candidate for nomination" occur, there shall be inserted, between the word "for" and the word "nomination," the words "the _____ party"; and, in case of such candidate for nomination for a congressional office, just before the list of signatures insert the words, "I furthermore declare that I intend to affiliate with said _____ party at the next ensuing primary election, and that I have not signed the nomination paper of this candidate, or any other candidate for congressional office, as candidate of any other party at such primary election." If the candidate is proposed as a candidate for congressional party committeeman or delegate to a national party convention, in each of said three places the words "nomination for" shall be changed to the words "election to;" and the word "nomination" next preceding the list of signers shall be changed to the word "election."

Sec. 14. Nomination papers of a candidate may be signed only by registered qualified electors entitled to vote for such candidate at the ensuing primary election and no such elector shall sign the papers of more candidates to such office than are to be elected thereto. Any section of a nomination paper signed by electors residing within any incorporated city shall not be signed by electors residing outside of such incorporated city. Any section of a nominating paper signed by electors residing outside of an incorporated city shall not be signed by electors residing within an incorporated city.

Sec. 15. Signatures to the nomination paper of a candidate to be voted upon for any office at the May presidential primary election or the August primary election, may be obtained at any time not more than seventy days or less than forty days next preceding such primary election. Signatures to the nomination paper of a candidate to be voted upon for any office at any other primary election held under the provisions of this act, may be obtained at any time not more than forty days or less than twenty-five days next preceding such primary election.

The verification of signatures to nomination papers shall not be made by the candidate, or by any county clerk, or registrar of voters, or by any of the deputies in the office of such county clerk or registrar of voters, nor shall any such nomination papers be signed within one hundred feet of any place where registration of electors is being conducted.

A nomination paper verified as provided by this section shall be prima facie evidence that each signature thereto appended is genuine and that the person signing the same is a registered qualified elector, unless such signature is marked "not sufficient," as provided for in section 17 of this act.

If the candidate is proposed as a candidate a congressional office, or the office of delegate, a national party convention, each section of the nomination paper shall contain the name of the political party whose nomination is sought; but in no other instance shall a nomination paper contain the name of, or reference to, any political party. A candidate for nomination for a congressional office (except the office of congressional party committeeman) may be proposed as the candidate of more than one political party, and shall be entitled to have his name printed upon the official primary ballot as the candidate of each political party in which he is proposed as a candidate in the manner provided by this act, but no person shall be entitled to become a candidate for more than one office at the same election, except for a short, or unexpired, term and a full term for the same office.

Sec. 16. The required number of signatures upon a nomination paper shall be as follows:

1. If the candidate is proposed as the candidate of a political party for a congressional office, or the office of delegate to a national party convention, the nomination paper of such candidate must be signed by not less than one-half of one per cent nor more than two per cent of the vote polled for such party's candidate for United States senator, at the last preceding November election at which a United States senator was elected, in the state or in that political subdivision for which the candidate is proposed for nomination. Such party's candidate for United States senator may have been the candidate, either of the party alone, or of the party in conjunction with one or more other parties. But if such political party did not have any candidate for United States senator at such last preceding November election at which a United States senator was elected, the nomination paper must be signed by not less than one-half of one per cent nor more than two per cent of the total vote polled for all the candidates for United States senator, at such last preceding November election in the state or political subdivision for which the candidate is proposed for nomination.

2. If the candidate is proposed as a candidate for nomination for any office except a congressional office, or the office of delegate to a national party convention, he shall not be proposed as the candidate of any political party, and the nomination paper of such candidate must be signed by not less than one-half of one per cent nor more than two per cent of the vote polled by the candidate who was elected governor, at the last preceding election at which a governor was elected, in the state or political subdivision for which the candidate is proposed for nomination.

Sec. 17. Each section of the nomination paper of any candidate, after being verified, shall be returned by the verification deputy, if he was appointed by such candidate, to the candidate, or to some one designated by him; or, if he was not appointed by such candidate, to one of the five electors by whom he was appointed. The sections of said nomination paper shall thereupon be fastened or bound together by cities or towns or outside territory in the county not included in any city or town, substantially in the manner required for the binding of affidavits of registration by the provisions of section 1113 of the Political Code.

The nomination papers of candidates to be voted for in more than one county or throughout the entire state, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound together. All nomination papers which by the provisions of this act are required to be filed in the office of the secretary of state shall be delivered for examination to the county clerk of the county in which the signatures to such nomination papers were obtained, at least forty days prior to the August primary election.

or the May presidential primary election. The county clerk shall thereupon examine the signatures upon such nomination papers and shall disregard and mark "not sufficient" any signature appearing on such nomination paper of a person who is not registered or whose signature upon the nomination paper is not in the same handwriting as the signature upon the affidavit registration of such person on file in the office of the county clerk. Thereupon the county clerk shall attach to such nomination paper a certificate reciting that he has examined said nomination paper and stating as "sufficient" the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided, and shall, within five days after the receipt by him of such nomination paper, forward it with such certificate attached, to the secretary of state, who shall receive and file the same. The delivery of a nomination paper to a county clerk shall entitle the candidate to have all signatures thereon found to be "sufficient" counted in determining the total number of signatures to be credited to such candidate as entitling him to a place on the primary ballot; and no default on the part of the county clerk, secretary of state, or other officer shall affect the right of any candidate to have all "sufficient" signatures considered in determining his right to have his name go upon the primary ballot. The county clerk shall in substantially the manner above provided examine the signatures to all other nomination papers which shall be delivered to him for examination under the provisions of this act and certify to the signatures thereto and to the result of such examination and shall within ten days after the receipt by him of any such nomination papers required by this act to be filed in his office so file the same with such certificate attached and within five days after the receipt by him of any nomination paper required by this act to be filed in the office of the city clerk of any municipality forward it with such certificate attached to the city clerk of such city. All nomination papers required to be filed either in the office of the secretary of state or in the office of the county clerk or city clerk shall be filed within ten days after the day on which they were left for examination, as provided in section 11 of this act.

Sec. 18. Whenever the boundaries of any political subdivision of the state are legally changed, the vote polled by each party in each of the new political subdivisions for United States senator, and the vote polled in each of the new political subdivisions by the candidate who was elected governor, as provided in section 16, shall be determined as follows:

1. If the change occurs wholly within any county, the county clerk of such county shall determine as nearly as possible the total of such vote for governor, and the total of each of such party votes for United States senator, in the new political subdivision, by totaling the vote polled for each of such officers in the precincts combined to form such new political subdivision.

2. If the change does not occur wholly within the limits of any county, the secretary of state shall determine the total of such vote for governor, and the total of each of such party votes for United States senator, in the new political subdivision, by totaling the vote polled for each of such officers in that portion of the original county or counties comprising such new political subdivision.

Sec. 19. All nomination papers required to be filed by this act shall be filed as follows:

1. For state officers (including members of the state board of equalization), congressional officers (including congressional party committeemen), delegates to a national party convention, members of the state senate and assembly, and all other officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county, except as otherwise provided, in the office of the county clerk of such county.

3. For municipal officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When a nomination paper or sections thereof shall have been received which contain

a number of signatures equal to the maximum number permitted by this act, the officer with whom such papers are required to be filed shall not file further sections.

Sec. 20. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all candidates for whom the same are filed, the name of the office, the party, if any, and the date of filing. No more signatures shall be secured to any nomination paper in excess of one per cent beyond the maximum per cent permitted by this act.

Sec. 21. The following filing fees shall be paid by the candidate, except as provided in subdivision 6 of this section.

1. A filing fee of fifty dollars shall be paid to the secretary of state by each candidate for state office or for the United States senate, except as otherwise provided by this section.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state by each candidate for representative in congress or for any office, except member of state senate and assembly, to be voted for in any district comprising more than one county.

3. A filing fee of ten dollars shall be paid to the secretary of state by each candidate for the state senate or assembly.

4. A filing fee of ten dollars shall be paid to the county clerk when the nomination paper and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such county clerk.

5. A filing fee of ten dollars shall be paid to the city clerk when the nomination paper and affidavit of any candidate for a city office are filed with such clerk.

6. No filing fee shall be required from any person to be voted for at the May presidential primary election, or from any candidate for an office (including the office of congressional party committeeman), to the holder of which no fixed compensation is paid, or for any office, except that of state senator or assemblyman, the fixed compensation to the incumbent of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the secretary of state, county clerk, or city clerk, place the name of any candidate on the ballot or certify any such name to be placed thereon until the requisite filing fee has first been paid, but the county clerk shall, notwithstanding the provisions of this subdivision, examine the signatures to all nomination papers presented to him under the provisions of this act and certify the result of such examination as required by the provisions of section 17 of this act.

8. When a person who has not filed a nomination paper is nominated for an office by having his name written on a primary election ballot, he must pay the same filing fee that would have been required if his nomination paper had been filed; otherwise his name must not be printed on the ballot at the ensuing final election.

9. When a candidate for nomination to a congressional office is proposed for nomination by more than one political party, he must pay a separate filing fee for each party in which he is proposed for nomination; or if, having filed a nomination paper for one party, he is nominated by another party by having his name written on a primary election ballot, he must pay the same filing fee for such other party nomination that would have been required if his nomination paper for such other party had been filed; otherwise he shall not be credited with the nomination of such other party on the ballot at the ensuing final election.

10. The secretary of state, county clerk or city clerk with whom the nomination papers of any candidate are filed pursuant to the provisions of this act shall, if the same be found sufficient, unless the filing fee therefor has been paid, forthwith notify such candidate in writing of the filing of such nomination papers and demand payment of the required filing fee.

Sec. 22. The county clerk shall immediately pay to the county treasurer all fees received from candidates. The city clerk shall immediately pay to the city treasurer all fees received from candidates. Within ten days after the pri-

mary election the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for, and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

Sec. 23. The expense of providing all ballots, blanks, rubber stamps and other supplies necessary to be used at any primary election according to the provisions of this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of general elections.

Sec. 24. At least thirty days before any August primary election preceding a November election or before any May presidential primary election the secretary of state shall transmit to each county clerk a certified list containing the name and post office address of each person for whom nomination papers have been filed in the office of such secretary of state, who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and, if a candidate for congressional office, or the office of delegate to a national party convention, the name of the party in which he is proposed as candidate. Such county clerk shall forthwith, upon receipt thereof, publish a notice setting forth, under the proper party designation, the title of each congressional office and of the office of delegate to a national party convention which appears upon the certified list transmitted by the secretary of state as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the secretary of state, and also the titles of all other offices together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the secretary of state or in the office of the county clerk, which notice shall state that candidates for offices may be voted for at the primary election by any registered, qualified elector of the county. Such notice shall also set forth the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling place in each precinct, which shall be particularly designated. It shall be the duty of the county clerk to cause such publication to be made once each week for two successive weeks prior to said primary election. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such county.

Sec. 25. All voting at primary elections shall be by ballot. On all ballots to be voted at an August primary election, the first column (or the first two columns when the first column alone is insufficient) shall be reserved for congressional offices, the names of candidates for each of such offices being printed under the proper party designation of the party in which such candidates are proposed for nomination. Every political party entitled to participate in the August primary election shall appear in this first column (or these first two columns) provided such party has any nomination paper has been filed according to the provisions of this act. The order of the congressional offices under each party designation shall be as follows: first, United States senator (if any); next, representative in congress; and last, congressional party committeeman. The party which shall appear at the head of this first column shall be the party whose candidate for United States senator received the largest vote at the last preceding November election at which a United States senator was elected. The party which shall appear next shall be the party whose candidate for United States senator received the second largest vote at such November election, and so on for all the parties qualified to participate in such primary election. Each elector

shall be entitled to vote for the candidates for congressional offices who are proposed for nomination in that party with which he shall declare his affiliation at the time he receives his ballot, and for no other candidates for such offices except as he may write in the names of such other candidates in the blanks provided for that purpose. If he does not express a desire to affiliate with any party he shall not be entitled to vote at such primary election for the nomination of any candidates for congressional offices. For all candidates to be voted for at such primary election, except candidates for congressional offices, the elector shall vote without regard to party.

Sec. 26. It shall be the duty of the county clerk of each county to provide printed official ballots to be used at any August primary election or May presidential primary election. It shall be the duty of the city clerk to provide printed official ballots for any primary election held within the municipality of which he is an officer for the purpose of nominating candidates to be voted on therein at a municipal election. Such official ballots shall be printed upon official paper furnished in the manner provided by section 1196 of the Political Code, and such ballots to be used at any August primary election, shall be in the form hereinafter provided. The names of all candidates for the respective offices for whom nomination papers have been duly filed shall be printed thereon.

Sec. 27. 1. Across the top of the primary election ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "official primary election ballot," providing that on any primary ballot less than four columns in width said words may be printed in heavy faced gothic capital type not smaller than twenty-four point.

2. Beneath the heading "official primary election ballot," shall appear in heavy faced gothic capital type, the name of the county in which the ballot is being used; and at least three-eighths of an inch below the name of the county shall appear the supervisorial district, providing there are no more than five assembly districts in the county, or the assembly district, providing there are more than five assembly districts in the county; the word "district" to be followed either case by a semicolon and the date of primary election. At least three-eighths of an inch below the district designation and the date of the primary election shall be printed in ten-point black gothic type, double leaded, the following instructions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name. Vote for congressional candidates of that party only which is not marked 'cancelled' by the election officer."

3. The instructions to voters shall be separated from the lists of candidates by one heavy and one light line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in parallel columns, each two and one-half inches wide. The first column of the ballot (or the first two columns, as the case may be), shall contain the groups of names of candidates for congressional offices, arranged under their various party designations as provided in section 25 of this act, and the first column shall be headed by the word "congressional." The party tickets of the several political parties shall be separated from one another by a blank space of not less than one inch. The names of the political parties shall be printed in ten point black gothic capital type. To the right of this first column (or these first two columns, as the case may be) shall be a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election, the order of precedence

the columns to the right of this solid black line shall be as follows, that is to say: in the first column to the right of the solid black line, under the heading state shall be printed the groups of names of candidates for state offices, (except judicial and school offices), including members of the state board of equalization. Next, under the heading legislative shall be printed the groups of names for state senator, if any, and for member of the assembly. Under the heading judicial shall be printed all the names of candidates for judicial offices, in the order of chief justice supreme court, associate justices supreme court, judge of district court of appeals, judge of superior court, justice of the peace and other judicial officers, if any. Next, under the heading school shall be printed all the names of candidates for school offices in the order of state superintendent of instruction and superintendent of schools. Next, under the heading county shall be printed the groups of candidates for all county and township offices, except judicial or school offices. In the case of primary elections where nominations are to be made for only a portion of these offices, at the right of the solid black dividing line there may be only one column. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county.

4. The group of names of candidates for nomination for any office except a congressional office shall include all the names receiving the requisite number of signatures on nomination papers for such office; but the groups of names of candidates for congressional offices appearing on the ballots under the head of each political party shall comprise only the names of candidates for nomination by such party. If any candidate is nominated to fill out a short term in an office as distinguished from another candidate on the same ballot nominated for a full term of the same office, the words "short term" or "full term", as the case may be, shall be printed below the title of such offices on the ballot, preceding the respective groups of names of candidates.

Sec. 28. The order in which the names of candidates for any office shall appear upon the primary election ballot to be used at any election held under the provisions of this act other than the May presidential primary election shall be determined as follows:

1. If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman or congressional party committeeman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each county clerk or registrar of voters the certified list of names of candidates as required by this act, the secretary of state shall certify and transmit the list of candidates for nomination to each office according

to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, or congressional party committeeman, the order in which the names filed with the secretary of state shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

2. If the office is an office to be voted on throughout but wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, or congressional party committeeman, the county clerk shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, that there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county or city and county, the county clerk shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

3. If the office is that of state senator or assemblyman or congressional party committeeman, or any office except the office of representative in congress to be voted on wholly within any county or city and county, but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

4. If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Sec. 29. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in this act, the county clerk shall publish the names in the order in which they will appear upon the ballot; provided, that in counties or cities and counties containing more than five assembly districts the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order, and that, in all other counties, the order shall be that of the first supervisorial district.

Sec. 30. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "vote for one" or "vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

Sec. 31. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates

nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "congressional," "state," "legislative," "judicial," "school," "county" or "municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve-point. All official primary election ballots to be used at any August primary election shall have printed on the back and immediately below the center thereof, in eighteen point gothic capital type, the words "official primary election ballot," and underneath these words the respective numbers of the congressional, senatorial and assembly districts in which each ballot is to be voted. If there are no more than five assembly districts in the county, there shall also be added the name of the supervisorial district and of the county, as follows "----- supervisorial district of ----- county." The ballot shall be printed on a single leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one-half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; provided, that the sequence of numbers on such official ballots and stubs shall begin with the number one. The official ballots shall be made up in stub books, each book to contain ten, or some multiple of ten ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

[See page eleven for form of ballot.]

Sec. 32. At least twenty days before the August primary election or before the May presidential primary election each county clerk or registrar of voters in every county or city and county shall prepare sample ballots, placing thereon in the order provided by law, and under the appropriate title of each office, the names of all candidates for whom nomination papers with the requisite number of "sufficient" signatures have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on paper of a different color and texture from the paper to be used on the official ballot, and shall be mailed to each voter entitled to vote at such August primary election or May presidential primary election, as the case may be, not more than twenty nor less than seven days before the election. The county clerk, on or before the first day on which sample ballots are mailed to the voters, shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the secretary of state, to the post office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the county clerk shall cause the official ballot to be printed as provided in section 26 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable the provisions of this act shall apply

to the nomination of all candidates for city offices.

Sec. 33. The polls must be opened at six o'clock of the morning of the day of primary election and must be kept open until seven o'clock in the afternoon of the same day, when the polls shall be closed; provided, however, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of general elections.

Sec. 34. The officers for primary elections shall be the same in number, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in section 1113 of the Political Code. And all the provisions of section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Sec. 35. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the congressional primary election ticket of the political party with which, on receiving his ballot, he declares his intention to affiliate, shall not be challenged on any ground or subjected to any tests other than those provided by the constitution and section 1230 of Political Code of this state, except on a ground of his having previously declared his intention to affiliate with another political party at such primary election, such declaration having been expressed at the time of his signing the nomination paper of a candidate of such other party.

Sec. 36. Any elector qualified to take part in any primary election, who has, at least thirty days before the day of such primary election, qualified by registration, as provided by section 1096 of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinabove provided; and on writing his name or having it written for him on the roster, as provided by law for general elections in this state, he shall likewise write or have written upon the roster the name of the political party with which he intends to affiliate in voting for candidates for congressional offices at the next ensuing November election. He shall then, in an audible tone of voice, declare to the election officer from whom he receives his ballot the name of such political party with which he intends to affiliate, and the clerk whose duty it is, according to law, to write opposite the name of the elector the number of the ticket given him, shall also write opposite his name the name of said political party with which the elector declares it his intention to affiliate. At the August primary election, the election officer having charge of the ballots, before giving him his ballot, shall write with ink, or, with a stamp provided for the purpose, stamp the word "cancelled" across the names of candidates for congressional offices printed under the name of all the political parties except that with which the elector thus declares his intention to affiliate, and the elector shall be entitled to vote only for candidates for nomination to congressional offices printed written in under the name of such party as not thus marked "cancelled." If the voter d.

Third Supervisorial District; August 29, 1916

COWBOY CONGRESSIONAL DEMOCRATIC PARTY United States Senator Vote for One CHARLES H. EAST WALTER BROUWOLF CARROLL W. CLAY Representative in Congress 5th District Vote for One PETER PETERSON LUTHER BOWMAN HENRY HUDSON Congressional Party Organization 4th Assembly District Vote for One PETER BROWN E. O. JOHNSON JOHN F. SAVAGE	SOCIALIST PARTY United States Senator Vote for One JOHN THOMAS A. T. JAMES EDWARD BLAKE Representative in Congress 5th District Vote for One ALBERT F. JONES Congressional Party Organization 4th Assembly District Vote for One ROBERT F. PORTER PROMOTION PARTY United States Senator Vote for One ANDERSON Representative in Congress 5th District Vote for One H. C. BARNES BEN F. BARTER JOHN D. BARNES Congressional Party Organization 4th Assembly District Vote for One RALPH CARR L. S. BROWN	STATE Governor Vote for One RICHARD ROSS BERRY BROWN JOHN DOE Lieutenant Governor Vote for One WILLIAM SMITH THOMAS GREEN HORACE JONES Secretary of State Vote for One JOHN THURTELLA ALBERT KING PETER S. HANSON Comptroller Vote for One THOMAS THOMPSON SAMUEL ALDEN WILLIAM DURN Treasurer Vote for One HENRY SANDERSON A. T. CHILTON LAWRENCE JOHNSON Attorney General Vote for One GEORGE F. WILSON W. S. CROSLAN THOMAS O'BRIEN Surgeon General Vote for One FRANK WELSHAM MICHAEL KERRAN JOHN F. WALKER Member State Board of Equalization Fourth District Vote for One WILLIAM ADAMS BARRY ALLEN	JUDICIAL Chief Justice Sup. Court Vote for One WALTER WILSON JOSEPH BURROWS THOMAS SMITH Associate Justice Sup. Court Vote for Two SAMUEL SNOW GEORGE TANNERY WILLIAM BRUCE LEASTUS PIERCE Judge of the Superior Ct. Vote for Two CHARLES S. DAVIS THOMAS MCALL ERNEST W. ROBERTS GEORGE BROWN WALTER CAMPBELL Justice of the Peace, King City Terminals Vote for Two PETER HENDERSON THOMAS SULLIVAN CLAUDE FARRISON SCHOOL Rep. of Pub. Instruction Vote for One CHARLES H. STOVES FRANK H. KENDALL ARTHUR ROBERTS County Rep. of Schools Vote for One J. W. REYNOLDS CHARLES CARSON TIMOTHY KEALEY COUNTY Shoof Vote for One CHRISTIE L. LOWE B. A. ALLEN J. P. DOLAN Shoof Vote for One JOHN V. MORGAN B. J. BURGESS A. S. KUTNER Shoof Vote for One JAMES S. MCGRAW ALBERT C. LATTIMER E. S. BULLOCK Auditor Vote for One JOHN W. BARNES H. J. PORTER JOHN H. PETERSON J. F. ALLEN CLARENCE D. CLARK Treasurer Vote for One FRED T. DU ROSS LUCIUS O. BACON JAMES H. BERRY Assessor Vote for One J. S. SPOONER E. G. WELLS E. W. PETER Tax Collector Vote for One RICHARD PRITCHARD E. W. CARLAGE KURT MEHLER Recorder Vote for One CHARLES W. POLTON THOMAS H. CROFT C. H. DE FEE Public Administrator Vote for One H. M. TAYLOR J. W. BAKER Clerk Vote for One H. C. LONG W. F. DELLINGER JAMES S. FRANKS Surveyor Vote for One JOHN F. DRYDEN J. S. FORAKER Superintendent Third Department Districts Vote for One G. S. PETERSON THOMAS SPURDY JAMES S. WATSON Comptroller, King City, Terminals Vote for One L. W. PARKER JOHN A. STEWART
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ot express a desire to affiliate with any party, he need not write, or declare, or have written the name of any political party, and in such case the election officer shall write or stamp the word "cancelled" across the names of all candidates for nomination to congressional offices, and the elector shall not be entitled to vote for any such candidates. No one shall be entitled to vote at any primary election who has not been a resident of the state one year, of the county ninety days, and of the precinct thirty days, next preceding the day upon which such primary election is held. The voter shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

Sec. 37. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate or group of candidates for whom he wishes to vote; or he may vote for a person whose name is not printed on the ballot by writing the name of such person in a blank space provided therefor, which name so written may or may not be followed by a cross stamped or otherwise made. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, even though such ballot be somewhat soiled or defaced.

Sec. 38. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only such printed designation as the law may require to appear on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the affidavit of registration as having voted.

Sec. 39. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; provided, that no more than two members of the board shall at any time be absent from the polling place.

Sec. 40. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1211, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1264a, 1265, 1266, 1267, and 1268 of the Political Code of this state. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count all the votes on all the ballots, and record the same on the tally lists provided for that purpose.

Sec. 41. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election.

The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party for nomination for a congressional office, or for the office of delegate to a national party convention and also for each candidate for nomination for any other office. The clerk shall also make a duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The county clerk shall forthwith send to the secretary of state by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, congressional party committee, representatives in congress, members of the state board of equalization, judicial officers (except justices of the peace), and as to all persons voted for at the May presidential primary election. The secretary of state shall, not later than the twenty-first day after any primary election, compile the returns for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, congressional party committee, representatives in congress, state board of equalization, and judicial officers (except justices of the peace), and for all persons voted for at the May presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show, for each candidate, both the total of the votes received and the votes received in each congressional district of the state.

Sec. 42. The name of the person in each political party who receives at a primary election the highest number of votes for a congressional office shall be placed on the official ballot as the candidate of such political party for such office, except in the case of a candidate for congressional party committeeman, in which case such person shall be elected to the office. In the case of all other offices, except the office of delegate to a national party convention, the candidate equal in number to twice the number to be elected to such office (or less, if the total number of candidates is less than twice the number of offices to be filled) who receive the highest number of the votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; provided, however, that in case there is but one person to be elected at the November election to any office not a congressional office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office whose name shall be printed on the ballot at the ensuing election; and provided further, that in case there are two or more persons to be elected at the November election to any office not a congressional office, and in case any candidates for such office receive at the August primary election the votes of a majority of all the voters participating in the primary election in the state or political subdivision in which said office is voted upon (such candidates being herein designated as "majority candidates"), said "majority candidates" shall, if their number is not less than the number of persons to be elected to such office, be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; and if the number of such "majority candidates" falls short of the number of persons to be elected to such office, the names of said "majority candidates" shall be printed on the ballot at the ensuing November election, together with such number of additional names only of such other candidates receiving the next highest number of votes for nomination to such office as may equal twice the number to be elected to such office less twice the number of "majority candidate

(or a smaller number, if the list of said other candidates is exhausted); and provided also, that no person whose name has been written in upon any ballot or ballots for any office at any primary election, shall have his name placed upon the ballot as a candidate for such office at the ensuing general election, unless at such primary election he shall have received for such office written-in votes equal in number to the minimum number of signatures which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office, and unless he has paid the filing fee as required in subdivision 8 of section 21 of this act. But this provision shall not prevent a candidate not otherwise disqualified from becoming a candidate, under the provisions of section 1188 of the Political Code, for an office for which nominations may be made under said section 1188 as provided in subdivision 2 of section 6 of this act. It shall be the duty of the officers charged with the canvass of the returns of any primary election held under the provisions of this act in any county or municipality to cause to be issued official certificates of nomination to such candidates as have their nomination papers filed in accordance with the provisions of this act, and who shall be entitled to such certificates of nomination according to the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly, members of the state board of equalization and officers voted for in more than one county; and to issue certificates of election to congressional party committeemen and to all persons elected at the May presidential primary election as delegates to their respective national party conventions. Not less than thirty days before the November election the secretary of state shall certify to the county clerks of each county within the state the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office, under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 41 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee for a congressional office or for the office of elector of president and vice president of the United States, the name of the political party which has nominated such person, and the designation of the office for which he is so nominated.

Sec. 43. A congressional party committee may be organized by each political party, for the purpose of promulgating party platforms as to national issues, and of transacting such other business of the party as is not inconsistent with the provisions of this act, as follows:

1. The candidates of each political party who have received their party nomination for representatives in congress from the several congressional districts, and for United States senator, if any, shall meet in separate party conferences at the state capitol on the second Saturday in September after the date on which any August primary election is held preliminary to the general November election. The members of each of these conferences shall proceed to name a congressional party committeeman for their party for each assembly district of the state which did not elect such congressional party committeeman at the primary election. Said members of each of these conferences shall also appoint a date, which shall be no more than fifteen days thereafter, and a meeting place, on which date and at which meeting place members of the new congressional party committee of their party shall meet in convention. Said members of each of these conferences shall be ex officio members of the congressional party committee of their party, and as such shall participate with said committee in said convention. Said congressional party committee

shall continue to act for their party until a new congressional party committee shall have been chosen; and, until the primary election to be held in August, 1916, each party shall be represented by its state central committee, as organized under the provisions of that direct primary law which was approved June 16, 1913.

2. At their convention the members of the congressional party committee may promulgate a party platform as to national party issues, and as such issues may affect the approaching congressional or presidential election. In each year of the general November election at which electors of president and vice president of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of president and vice president of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballot at the ensuing November election.

3. Each such congressional party committee shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by the such committees and the officers thereof in so far as may be consistent with this act. It may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties, including the naming, if desired, of auxiliary county committees.

Sec. 44. In case, as a result of any primary election held under the provisions of this act, a person has received a nomination to any elective office without first having filed nominating papers and having his name printed on the primary election ballot, he may not less than thirty days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nominating papers had he been a candidate for nomination, his request therefor in writing, signed by him and duly acknowledged, and no name so withdrawn shall be printed on the election ballot for the ensuing final election. The vacancy created by the withdrawal of such person as aforesaid shall not be filled. In the case of all other vacancies occurring after the holding of any primary election that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot shall go upon said ballot to fill said vacancy; provided, however, that if the vacancy occurs in a case where, by reason of having received a majority vote at the primary election, only one person is entitled to have his name printed upon the ballot at the ensuing November election, the names of the two candidates receiving the next highest vote at the primary election (if there were such number) shall be placed upon the ballot for the November election.

Sec. 45. In case of a tie vote, if for an office to be voted for wholly within one county the county, city and county or city board charged by law with the duty of canvassing the vote at the election, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration.

Sec. 46. Whenever it shall be made to appear by affidavit to the supreme court or district courts of appeal or superior court of the proper county that an error or omission has occurred, or is about to occur, in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of voters, canvassing board or any member thereof, or other person charged with any duty

concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Sec. 47. Any candidate at a primary election held under the provisions of this act, desiring to contest a nomination of another candidate for the same office, may, within four days after the completion of the official canvass, file an affidavit in the office of the clerk of the superior court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have a recount of the ballots cast in any such precinct or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or other service than as herein provided need be made upon the contestee. Upon the filing of such affidavit the county clerk shall forthwith post in a conspicuous place in his office, upon a bulletin board to be prepared for that purpose, and to have upon it in conspicuous letters the words "Notice of primary election contests" a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the superior court of the county shall have jurisdiction of the subject matter and of the parties to such contest, and all candidates at any such primary election are permitted to be candidates under this act, only upon the condition that such jurisdiction for the purposes of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must send by registered mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the county clerk to become a part of the records of the contest. At any time within three days after the filing of the affidavit of the contestant to the effect that he has sent by registered mail a copy of the affidavit to the contestee, such contestee may file with the county clerk an affidavit in his own behalf, setting up his desire to have the votes counted in any precincts, designating them, in addition to the precincts designated in the affidavit of the contestant, and setting up his grounds therefor. On the trial of the contest all of the precincts named in the affidavits of the contestant and the contestee shall be considered, and a recount had with reference to all of said precincts; and the contestant shall have the same right to answer the affidavit of the contestee as is given to the contestee herein with reference to the affidavit of the contestant except that such answer must be filed not later than the first day of the trial of said contest. On the eighth day after the completion of the official canvass the county clerk shall present the affidavits of the contestant and the contestee and proof of posting, as aforesaid, to the judge of the superior court of the county, or any judge acting in his place, or the presiding judge of the superior court of a county or city and county, or any one acting in his stead, which judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed, and in counties or cities and counties where there are more than one superior judge, assign all the cases to one department by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more than three days from the presentation of the matter to the

court by the county clerk as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose except herein provided shall be permitted, and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the parties in any other manner than by answer, and all the objections must be contained in the answer. The court if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed to hear and determine the contest with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the judge shall be of opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, if there be only one judge for such county, he may obtain the service of any other superior judge, and the proceedings shall be the same as herein provided in counties where there is more than one superior court judge. If the proceeding is in a county or city and county where there is more than one superior court judge, the judge to whom the case or cases shall be assigned, shall notify the presiding judge forthwith, of the number of judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the final election, and the said presiding judge shall forthwith designate as many judges as are necessary to such completion of such contest, by order in writing, and thereupon all of the judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said judges so designated by said last mentioned order, including the judge to whom said contests were originally assigned, shall convene upon notice from the judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such judges will recount, sitting separately, and thereupon such recount shall proceed before each such judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such judge as to all the contests pending, so that the ballots opened before one judge need not be opened before another judge or department, and the proceedings before such judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the court in making the same, shall be the same as in contested elections, and the judge shall fix the pay or compensation for such persons, and require the payment each day in advance of the amount thereof, by the person who is proceeding with and requiring the recount of the precinct being recounted. When the recount shall have been completed in the manner herein required, if more than one judge has taken part therein, all the judges who took part shall assemble and make the decision of court, and if there be any differences of opinion, a majority of such judges shall finally determine all such questions, and give the decision or judgment of the court in such contest or contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the county clerk or registrar of voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in section forty-seven of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the secretary of state from the compilation of election returns in his office, then the judgment in each county in which a contest may be had shall show what, if any changes in the returns in the office of the secretary of state relating to such county or city and county, ought to

made, and all such judgments shall be served upon the secretary of state, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or judgments require, and conform his compilation and his certificate of nomination in accordance therewith. If the office contested is one to be held upon in more than one county, the time within which such contest may be brought in any county involved shall begin to run at the time of the declaration of the official canvass by the board of supervisors of the county last making such declaration.

Sec. 48. No candidate for nomination to any elective office shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the preparing, printing, and circulating of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters, and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, and telephoning, relative to candidacy.

Sec. 49. Every person who shall be a candidate for nomination to any elective office, shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his nomination, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 48 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his nomination, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer for the verifying, filing, or recording of such statements or a copy thereof.

Sec. 50. Any person violating any of the provisions of section 48 or section 49 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid.

Sec. 51. 1. Any person who shall offer, or with knowledge of the same permit any person to

offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply with equal force to primary elections as provided for by this act.

Sec. 52. It shall be the duty of the secretary of state and the attorney general to prepare on or before January 1, 1916, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Sec. 53. This statute shall be liberally construed, so that the real will of the people shall not be defeated by any informality in respect to carrying out all the provisions of this law.

Sec. 54. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

Sec. 55. The act approved June 16, 1913, known as the direct primary law, is hereby repealed, and all other acts or parts of acts, inconsistent with or in conflict with the provisions of this act, are also hereby repealed.

And whereas, said regular session of the said legislature finally adjourned May 9, 1915, and ninety days having not expired since said final adjournment:

Now, therefore, sufficient qualified electors of the State of California have presented to the secretary of state their petition asking that said act hereinbefore set forth, so passed by the legislature, and approved by the governor, as hereinbefore stated, be submitted to the electors of the State of California for their approval or rejection.

The direct primary law approved June 16, 1913, proposed to be repealed, reads as follows:

EXISTING PROVISIONS.

An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24

of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act.

Section 1. Words and phrases where used in this act shall, unless such construction be inconsistent with the context, be construed as follows:

1. The words "primary election," any and every primary nominating election provided for by this act.

2. The words "August primary election," the primary election held in August to nominate candidates to be voted for at the ensuing November election or to elect members of a party central committee or delegates to a party convention.

3. The words "May presidential primary election," any such primary election, held in May of each year of the general November election at which electors of president and vice president of the United States are to be chosen, as shall provide for the indication of preference in the several political parties for party candidates for president of the United States through the election of delegates to national party conventions.

4. The word "election," a general state, county, city or city and county election as distinguished from a primary election.

5. The words "November election," either the presidential election, or the general state, county or city and county election held in November of each even numbered year.

6. The words "judicial officer," any justice of the supreme court, justice of a district court of appeal, judge of the superior court, justice of the peace, or justice of such inferior court as the legislature may establish in any county, township, incorporated city or town, or city and county; and the words "judicial office," the office filled by any of the above judicial officers.

7. The words "school officer," the superintendent of public instruction and the superintendent of schools of a county or city and county; and the words "school office," the office filled by any of the above school officers.

8. The words "county officer," any officer elected within the boundaries of any county or city and county, except a member of the state senate or assembly or a member of the house of representatives of the congress of the United States or a member of any party county central committee or delegate to a state convention from a hold-over senatorial district; and the words "county office," the office filled by any county officer. The words "township officer," any such county officer as is elected within the boundaries of any judicial township that is now or may be hereafter provided by law; and the words "township office," the office filled by any township officer.

9. The word or words "political party," "party," "political organization," or "organization," a political party or organization of electors which has qualified, as hereinafter provided, for participation in any primary election; and such party or organization shall be deemed to have so qualified when any one or more of the three following conditions have been complied with:

(a) If at the last preceding November election there was polled for any one of its candidates who was the candidate of such party only for any office voted on throughout the state, at least three per cent of the entire vote of the state, or for any one of its candidates who was the joint candidate of such party and any other party for any office voted on throughout the state, at least six per cent of the entire vote of the state; or

(b) If on or before a date which shall be the fiftieth day before any primary election, there shall have registered within the state, as intending to affiliate with such party or organization as shall have been designated in their affidavits of registration, qualified electors equal in number to at least three per cent of the total number of electors registered throughout the state for the last preceding November election; the number of such registered qualified electors to be determined by the secretary of state from the statements transmitted to him as required by subdivision 1 of section 4 of this act; or

(c) If on or before a date which shall be the fiftieth day before any primary election, there

shall be filed with the secretary of state a petition signed by registered qualified electors of the state, whether registered as intending to affiliate with any political party or not, equal in number to at least three per cent of the entire vote of the state at the last preceding November election, declaring that they represent a political party or organization the name of which shall be stated therein, which party said electors desire to have participate in such primary election; such petition to be circulated, signed, and the signatures thereon of the registered electors certified to and transmitted to the secretary of state by the county clerks substantially as provided in section 5 of this act, for the circulation, signing, certification, and transmission of nomination papers for state officers; providing, however, that no electors or organization of electors shall assume a party name or designation which shall be so similar to the name of an existing party or organization as to mislead voters.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all the provisions of law in respect to either the giving of any notice or the conducting of the primary election or certifying the results thereof.

In each county and city and county in this state, having a registrar of voters or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon a county clerk and his deputies, and other officers, in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters or his deputies, or registrar of voters or his deputies and board of election commissioners; and all nominating papers, list of candidates, expenses, and oaths of office, required by this statute to be made to county clerks, shall be filed with the registrar of voters.

Sec. 2. All candidates nominated at a primary election for elective public offices shall be nominated by direct vote at such election held in accordance with the provisions of this act; provided, that electors of president and vice president of the United States shall be nominated as provided in subdivision 2 of section 24 of this act. Party candidates for the office of United States senator shall have their names placed on the official primary election ballots of their respective parties and shall be in all respects nominated in the manner herein provided for state officers. This act shall not apply to special elections to fill vacancies; nor to the nomination of officers of municipalities, counties, or cities and counties whose charters provide a system for nominating candidates for such officers; nor the nomination of officers for any district not formed for municipal purposes; nor to the nomination of freeholders to be elected for the purpose of framing a charter; nor to the nomination of officers for cities of the sixth class; nor to the nomination of school district officers.

Sec. 3. The August primary election shall be held at the legally designated polling places in each precinct on the last Tuesday in August, for the nomination of all candidates to be voted for at the ensuing November election. The day of the August primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of section 10 of the Political Code. Any person entitled to vote at such August or May primary election shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages. Any primary election other than the August primary election, or May presidential primary election shall be held on Tuesday, three weeks next preceding the election for which such primary election is held.

Sec. 4. 1. On the first Monday in February, on the Monday which is the fiftieth day before the first Tuesday in May, on the first Monday in June, and on the Monday which is the fiftieth day before the last Tuesday in August, in an even numbered year, the county clerk or reg-

form:

I, the undersigned, a candidate for the _____ party nomination for the office of _____ which nomination is to be made by direct vote at a primary election to be held on the _____ day of _____ 19____ do hereby appoint the following _____ registered qualified electors of the county of _____ as verification deputies to obtain signatures in said county to a nomination paper placing me in nomination as a candidate of said _____ party for said office of _____

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the county of _____ State of California, and that we are each registered as intending to affiliate with the _____ party; and we do hereby propose _____ who resides (at _____ No. _____ street in the city of _____ of) or (in the town of _____ county of _____), as a candidate for the nomination of such party for the office of _____ to be voted for at the primary election to be held on the _____ day of August, 19____; and we do solemnly swear (or affirm) that said _____ has consented to this proposal of his name as candidate for the nomination for said office. _____ the following registered qualified electors of said county a verification duetier to obtain signatures in this county to the nomination paper of said _____ to said office of _____

[illegible]

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(Signed) etc.

Names.	Residence.
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<p> 1. 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818 2819 2820 2821 2822 2823 2824 2825 2826 2827 2828 2829 2830 2831 2832 2</p>

Subscribed and sworn to before me this
 ---- day of ----, 19--

(Seal) Notary public (or other official).

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of said candidate, one or more similar documents may be filed, to supplement the first document. *When the office for which the candidate is proposed is a judicial office, school office, county office, or township office, the provisions of this subdivision shall apply, except that the five qualified electors shall make no statement of their party affiliation and may be affiliated with different parties or with no party; and the candidate proposed for nomination shall not be so proposed as the candidate of any party.*

3. Verification deputies appointed as provided in subdivision 2 of this section to obtain signatures to the nomination paper of any candidate for any office to be voted for at any primary election, may, at any time not more than seventy days nor less than forty days prior to such election, obtain signatures to such nomination paper of such candidate for such office. Each signer of a nomination paper shall sign but one such paper for the same office; provided, that prior to primary elections other than August primary elections or May presidential primary elections, signatures may be obtained not more than forty nor less than twenty days prior to such election. He shall also declare his intention to support such candidate for nomination, and shall add his place of residence, giving his street and number if any. His election precinct shall also appear on the paper just preceding his name, and the date of his signature shall appear at the end of the line just after his residence. Any nomination paper may be presented in sections, but each section shall contain the name of the candidate and the name of the office for which he is proposed for nomination. Each section shall bear the name of the city or town, if any, and also the name of the county or city and county, in which it is circulated, and only qualified electors of such county or city and county, registered as intending to affiliate with the political party in which the nomination is being made, shall be competent to sign such section. Any section circulated within any incorporated city or town shall be signed only by registered qualified electors of such city or town. Each section shall be prepared with the lines for signatures numbered, and shall have attached thereto the affidavit of the verification deputy who has obtained signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any verification deputy obtaining signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such nomination paper so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are registered qualified electors, unless and until it is otherwise proven by comparison of such signatures with the affidavits of registration in the office of the county clerk or registrar of voters. Each section of the nomination paper, after being verified, shall be returned by the verification deputy who circulated it to one of the five electors by whom the said verification deputy

Eighteen

was appointed; and in this manner all the sections circulate in any county shall be collected by said five electors of that county and shall be by them arranged for filing or for examination, as provided in subdivision 4 of this section. In case said verification deputy was appointed directly by the candidate according to the provisions of subdivision 2 (a) of this section the collecting and arranging of the sections the nomination paper shall be done by the candidate instead of by the "five electors" as hereinbefore provided. Each section of the nomination paper shall be in substance as follows:

County of _____, city (or town) of _____
(if any).

Nomination paper of _____, candidate for
_____ party nomination for the office of _____
State of California, _____

County of -----)

Signer's Statement

I, undersigned, am a qualified elector of the city (or town) of _____ county of _____ State of California; and am registered as intending to affiliate with the _____ party; and I hereby nominate _____ who resides at No. _____ street, city of _____ county of _____ State of California, as a candidate for the nomination of such party for the office of _____, to be voted for at the primary election to be held on the _____ day of August, 19____. I have not signed the nomination paper of any other candidate for the same office, and I further declare that I intend to support for such nomination the candidate named herein.

No.	Precinct	Signature	Residence	Date
1				
2				
3				
4				
5				
Etc.				

Verification Deputy's Affidavit.

I, _____, solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision 2, section 5, of the direct primary law, as a verification deputy to secure signatures in the county of _____ to the nomination paper of _____ as candidate for the nomination of the _____ party for the office of _____: that all the signatures on this section of said nomination paper, numbered from 1 to _____ inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) -----

Verification deputy.
Subscribed and sworn to before me this ____
day of _____, 19____

(Seal) _____
Notary public (or other official).

In the case of a nomination paper for any candidate for a judicial office, school office, county office, or township office, the members of this subdivision shall apply, except that no such nomination paper nor any section thereof shall contain the name of any political party, of any signer thereto, nor shall the candidate be referred to as a candidate for the nomination of any party; and any nomination paper for any candidate for a judicial office, school office, county office, or township office may be signed by any registered qualified elector of the county or city and county, whether registered as being affiliated with any, or with no, political party.

4. Prior to the filing of a nomination paper for any candidate, the sections thereof must be numbered in order and fastened together by cities or towns or portions of the county not included in such cities or towns, substantially in the manner required for the binding of affidavits of registration by the provisions of section 1113 of the Political Code; provided, that the sections of the nomination paper shall be preceded by an index of precincts, arranged by cities, towns or outside territory in the numerical or alphabetical order of such precincts for each such city, town or outside territory and showing after the name or number of such precinct the numbers of

section pages on which the names of the electors registered in such precinct are to be found, and after the number of each page, the number (in parentheses) of times such names are to be so found on such section page. Such index shall be substantially the following form:

City of _____				
of precinct	Numbers of section pages containing voters of precinct			
1	1 (3 times)	2 (5 times)	3 (7 times)	etc.
2	1 (4 times)	2 (0 times)	3 (6 times)	etc.
etc.		etc.		
Town of _____				
etc.		etc.		

And provided, further, that for all nominations of candidates to be voted for in more than one county, or throughout the entire state, the nomination papers, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound up together. The county clerk of any county or registrar of voters of any city and county shall examine all nomination papers herein provided for which purport to have been signed by electors of his county or city and county, and shall disregard and mark "not sufficient" any name appearing on such paper or papers which does not appear in the same handwriting on an affidavit of registration in his office, or which (except in the case of nomination papers of candidates for judicial, school, county, or township offices the signers of which may be registered as of any or no party) does not appear on said affidavit as intending to affiliate with the party named in such nomination papers. Such officer shall affix to all nomination papers a certificate reciting that he has examined the same and stating the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided. All nomination papers which by this act are required to be filed in the office of the secretary of state, shall be left with the county clerk or registrar of voters for examination, as above provided, at least forty days prior to the August primary election or the May presidential primary election, and shall, with such certificate of examination attached, within five days after being so left, be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. The verification of signatures to nomination papers shall not be made by the candidate, nor by any county clerk, or registrar of voters, nor by any of the deputies in the office of such county clerk or registrar of voters, nor within one hundred feet of any election booth, polling place, or any place where registration of electors is being conducted. Each candidate on or before the thirty-fifth day prior to the August primary election or the May presidential primary election, shall file in the place where his nomination paper is required to be filed, as provided in section 6 of this act, his affidavit, stating his residence, with street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of the office for which he desires to be a candidate; and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected; and he shall also make the statement required in subdivision 5 of section 6 of this act. Nothing in this act contained shall be construed to limit the rights of any person to become the candidate of more than one political party for the same office upon complying with the requirements of this act, but no person shall be entitled to become a candidate for more than one office at the same election.

5. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, nomination papers shall be signed as follows: If the candidate is the candidate for an office to be voted on throughout

the state, by not less than one-half of one per centum and not more than two per centum of the vote or registration constituting the basis of percentage as defined in subdivision 6 of this section of the party of the candidate seeking nomination, within the state; if the candidate is the candidate for an office to be voted on in some political subdivision of the state, but not throughout the state, by not less than one per centum nor more than two per centum of the vote or registration constituting the basis of percentage, as defined in subdivision 6 of this section, of the party of the candidate seeking nomination within said political subdivision in which such candidate seeks nomination.

6. Except in case of a candidate for nomination to a judicial office, school office, county office, or township office, the basis of percentage in each case shall be the highest vote polled by the party for any such candidate as may have been the candidate of such party only, at the preceding general election, or, if there was no candidate who was the candidate of such party only, the basis of percentage shall be the lowest vote received by any candidate who was the joint candidate of such party and of one or more other parties; and if the candidate is the candidate of a party which had no candidate at the preceding general election, then the basis of percentage shall be upon the number of qualified electors who, on or before the fiftieth day prior to the primary election, shall in registering have declared their intention to affiliate with such party. Every political party qualified to participate in the primary election by the provisions of subdivision 8 of section 1 of this act, whose membership or members shall comply with the provisions of this act by filing nomination papers for one or more candidates, shall be entitled to a separate party ticket at the primary election; but all such party tickets must be alike in the designation of candidates for judicial, school, county, and township offices.

7. Whenever by rearrangement of political subdivisions of the state by any legislature, board of supervisors or other legislative body, the boundaries of such political subdivisions are changed, the highest vote polled by each party in each of the new political subdivisions shall be determined as follows: If the change occurs wholly within any county or city and county, the county clerk or registrar of voters of such county or city and county shall determine as nearly as possible the highest vote of each party in the new political subdivision by adding together for each party the highest vote in each of the former precincts which now are combined to make up such new political subdivision. If the change occurs outside the limits of any county or city and county, the secretary of state shall determine the highest vote of each party in such new political subdivision by adding together for each party the highest vote in the counties which now are combined to make up such new political subdivision. In the same way that the highest vote for each party in each new political subdivision is ascertained, shall also be ascertained the total vote of all parties, as is required to be known by the provisions of subdivision 9 of this section.

8. Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section 1183 of the Political Code, as said section was enacted at the fortieth session of the legislature of the State of California; except that a candidate who has filed nomination papers as one of the candidates for nomination to any office on the ballots of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination to the same office at the ensuing general election, either as an independent candidate or as the candidate of any other party, and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of section 1183 of the

Political Code, unless at such primary election he shall have received for such office votes equal in number to the minimum number of nomination papers which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office.

9. In the case of a candidate for nomination to a judicial office, school office, county office, or township office, nomination papers shall be signed by not less than one half of one per centum, nor more than two per centum of the total vote cast by all political parties at the last election in the state or political subdivision thereof in which such candidate for judicial or school, county, or township office seeks nomination.

10. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all persons filing the same, the name of the office, the party, if any, and the time of filing.

Sec. 6. All nomination papers provided for by this act shall be filed as follows:

1. For state officers, United States senators, representatives in congress, members of the state senate and assembly, delegates to state conventions from "hold-over senatorial districts" and all officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county or city and county, except representatives in congress, delegates to state conventions from "hold-over senatorial districts" and members of the state senate and assembly, in the office of the county clerk of such county or in the office of the registrar of voters in such city and county.

3. For city officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When a nomination paper or sections thereof shall have been received which contain a number of signatures equal to two per centum of the vote constituting the basis of percentage as provided in subdivisions 5, 6 and 9 of section 5 of this act, the officer with whom such papers are required to be filed shall not receive or file further sections of the nomination paper for the candidate named therein.

5. No more signatures shall be secured for any candidate than a number equal to three per centum of the vote constituting the basis of percentage as provided in subdivisions 5, 6, and 9 of section 5 of this act; provided, that if, through miscalculation or otherwise, more signatures are secured than the said three per centum, all sections of the nomination paper containing signatures in excess of said three per centum must be sent to the candidate; and before any nomination paper is filed as provided in this section, the candidate must notify each signer of such excess sections that his name has not been used; and in the affidavit required to be filed in subdivision 4 of section 5 of this act, affiant must state whether he has complied with the provisions contained in subdivision 5 of section 6 of this act.

Sec. 7. 1. A filing fee of fifty dollars shall be paid to the secretary of state by each candidate for state office or for the United States senate.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state by each candidate for representative in congress or for any office, except member of senate and assembly, to be voted for in any district comprising more than one county.

3. A filing fee of ten dollars shall be paid to the secretary of state by each candidate for the state senate or assembly.

4. A filing fee of ten dollars shall be paid to the county clerk or registrar of voters in any city and county when the nomination paper or papers and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such county clerk or registrar of voters.

5. A filing fee of ten dollars shall be paid to the city clerk or secretary of the legislative body of any municipality when the nomination paper or papers and affidavit of any candidate for a city office are filed with such clerk or secretary of such legislative body.

6. No filing fee shall be required from any person to be voted for at the May presidential

primary election, or from any candidate for an office to the holder of which no compensation is required to be paid, or for township offices the compensation to the holder of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the secretary of state, county clerk, registrar of voters, or city clerk receive any nomination papers for filing until the requisite fee for such filing, as prescribed in this section, has first been paid to him.

8. When a person is nominated for an office by reason of his name having been written on a ballot that has been voted at any primary election provided for by this act, he must pay the same filing fee provided for the same office to the same officer as would have been required if nomination papers had been filed to place his name on the primary ballot; otherwise his name must not be printed on the ballot at the ensuing general election; provided, he is not the nominee of another party for the same office.

Sec. 8. The county clerk shall immediately pay to the county treasurer and the registrar of voters in any city and county shall immediately pay to the city and county treasurer all fees received from candidates. The city clerk or secretary of the legislative body of any municipality shall immediately pay to the city treasurer all fees received from candidates. Within ten days after the primary election the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for, and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

Sec. 9. The expense of providing all ballots, blanks and other supplies to be used at any primary election provided for by this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of general election.

Sec. 10. At least thirty days before a August primary election preceding a November election or before any May presidential primary election the secretary of state shall transmit to each county clerk or registrar of voters in any city and county a certified list containing the name and post office address of each person for whom nomination papers have been filed in the office of such secretary of state, including the candidate for delegate to a state convention, if any, from a "hold-over senatorial district" and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and except in the case of a judicial office, or a school office of the party or principle he represents. Such county clerk or registrar of voters shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office (except a judicial office or a school office) which appears upon the certified list transmitted by the secretary of state as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the secretary of state, and also the names of all candidates for the county central committee, filed in the office of the county clerk or registrar of voters. He shall also publish the title of each judicial office, school office, county office, and township office, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the secretary of state or in the office of the county clerk or registrar of voters, and shall state that candidates for said judicial, school, county, and township offices may be voted for at the primary election, by any registered, qualified elector of the county, whether registered as intending to affiliate with any political party or not. He shall also publish the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling places in each precinct, which shall be particularly designated. It shall be the

duty of the county clerk or registrar of voters in any city and county to cause such publication to be made once each week for two successive weeks prior to said primary election.

Sec. 11. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such city or county, and one of such newspapers shall represent the political party that cast at the last preceding general election the highest number of votes in such county or city and county, and one of such newspapers, if any, shall represent the party which cast the next highest number of votes at such election. In any case where the publication of the notices provided for by this act can not be made as hereinbefore provided it shall be made in any newspaper having a general circulation in the city or county in which the notice is required to be published.

Sec. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct; but all such party ballots must be alike in the designation of candidates for judicial, school, county, and township offices. The ballots must have a different tint or color for each of the political parties participating in the primary election. There shall also be printed and provided a non-partisan ballot of a different tint and color from all the others (or white, if all the others are colored), which shall contain only, but in like manner, all the candidates for judicial, school, county, and township offices to be voted for at the primary election; and one of the non-partisan ballots shall, at the primary election, be furnished to each registered qualified elector who is not registered as intending to affiliate with any one of the political parties participating in said primary election; but to any elector registered as intending to affiliate with any political party participating in the primary there shall be furnished, not a non-partisan ballot, but a ballot of the political party with which said elector is registered as intending to affiliate.

It shall be the duty of the county clerk of each county or of the registrar of voters in any city and county to provide such printed official ballots to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election and at any May presidential primary election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election or the May presidential primary election. Such official ballots to be used at any primary election shall be printed on official paper, furnished by the secretary of state, in the manner provided by section 1196 of the Political Code, and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election, except as provided in subdivision 5 of this section, shall be as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one-half inches wide.

3. Across the top of the ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "official primary election ballot;" providing, that on a non-partisan ballot said words may be printed in gothic capital type not smaller than twenty-four point. Beneath this heading shall be printed in heavy faced gothic capital type, not smaller than twenty-four point, the party designation if it be a party ballot; or, in the case of a ballot containing the names of no candidates except candidates for a judicial, school, county, or township office, the words "non-partisan ballot." The instructions to voters shall be printed in ten point gothic type. In the case of official pri-

mary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "official primary election ballot" shall be printed thereon in heavy faced gothic capital type, not smaller than twenty-four point. The party or non-partisan designation shall be printed in heavy faced gothic capital type, not smaller than eighteen point. The instructions to voters shall be printed in ten point gothic type.

4. At least three-eighths of an inch below the assembly district designation and the date of the primary election shall be printed in ten point gothic type, double leaded, the following instructions to voters: "To vote for a person whose name occurs on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose."

5. The instructions to voters shall be separated from the lists of candidates and the designations of the several offices to be nominated for by one light and one heavy line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one-half inches wide. The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for party and non-partisan tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election, the order of precedence shall be as follows, that is to say: In the column to the left, under the heading state shall be printed the groups of names of candidates for state offices, except judicial and school offices, and for members of the state board of equalization. In the second column, under the heading congressional shall be printed the groups of names for United States senator in congress, if any, and for representative in congress. Next, under the heading legislative shall be printed the groups of names for state senator, if any, for member of assembly, and for election as delegate to the state convention from a "hold-over senatorial district," if any. Finally under the heading county committee shall be printed the names of the candidates for election to membership in the county central committee of the party. In the case of primary elections where state officers are not to be nominated, at the left of the solid black dividing line there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to judicial, school, county, and township offices in the following order: Under the heading judicial shall be printed all the names of candidates for judicial offices, in the order of chief justice, supreme court, associate justices, supreme court, judge of district court of appeals, judge of superior court and justice of the peace. Next, under the heading school shall be printed all the names of candidates for school offices in the order of state superintendent of instruction, superintendent of schools, and school district officers, if any. Next, under the heading county and township shall be printed the groups of candidates for all county and township offices except judicial or school offices. In the case of primary elections where county officers are not to be nominated, at the right of the solid black dividing line there may be only one column. The non-partisan ballot provided for in subdivision one of this section shall be identical as to offices and names of candidates with that portion of the party ballot which is printed to the right of the solid black dividing line hereinabove described. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on

the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, *the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county.*

6. The group of names of candidates for nomination to any *judicial office, school office, county office, or township office* shall include all the names receiving the requisite number of signatures on a nomination paper for such office, *and shall be identical for each such office on the primary election ballots of each political party participating at the primary election;* but the groups of names of candidates for all other offices on the ballots of each political party shall comprise only the names of the candidates for nomination by such party.

7. The order in which the list of candidates for any office shall appear upon the primary election ballot shall be determined as follows:

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each county clerk or registrar of voters the certified list of names as required in section 10 of this act, the secretary of state shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names filed with the secretary of state shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on throughout, but wholly within, one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county, or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical

order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of state senator, assemblyman, or *delegate to the state convention from a "hold-over senatorial district," or member of a county central committee,* or any office except the office of representative in congress to be voted on wholly within any county or city and county but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

8. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in section 10 of this act, the county clerk or registrar of voters shall publish the names in the order in which they will appear upon the ballot; provided, that in counties or cities and counties containing more than one assembly district the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order.

9. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "vote for one" or "vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

10. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "state," "congressional," "legislative," "county and township" or "municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point. All official primary election ballots shall have printed on the back and immediately below the center thereof, in eighteen point gothic capital type, the words "official primary election ballot," and underneath these words the respective numbers of the congressional, senatorial and assembly districts in which each ballot is to be voted. *In the case of a primary election for the nomination of candidates for city or city and county offices only, the designations on the back of the ballot, in addition to the words "official primary election ballot," shall be the official designation of the respective ward and voting precinct in any such city or municipality, or the number of the assembly district and of the voting precinct in any such city and county in which each ballot is to be voted. The ballot shall be printed the same leaf with a stub and separated ther*

from by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one-half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which will be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; provided, that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one. The official ballots of each political party shall be made up in stub books, each book to contain ten, or some multiple of ten, ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

[See pages 24 and 25 for forms of ballots.]

Sec. 13. At least twenty days before the August primary election or before the May presidential primary election each county clerk or registrar of voters in any city and county shall prepare separate sample ballots for each political party, and a separate sample non-partisan ballot, placing thereon in each case in the order provided in subdivision 7 of section 12 of this act, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on paper of a different texture from the paper to be used on the official ballot, and one sample ballot of the party to which the voter belongs as evidenced by his registration shall be mailed to each such voter entitled to vote at such August primary election or May presidential primary election, as the case may be, not more than ten nor less than five days before the election. Not more than ten nor less than five days before the August primary election a non-partisan sample ballot printed on paper of a different texture from the paper to be used on the official ballot shall be mailed to each registered qualified elector who is not registered as intending to affiliate with any of the parties participating in said primary election. Such clerk or registrar of voters shall forthwith submit the ticket of each political party to the chairman of the county committee of such party and shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the secretary of state, to the post-office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the county clerk or registrar of voters in any city and county shall cause the official ballot to be printed as provided by section 12 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections, provided, that the number of party ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct as intending to affiliate with such party, and the number of non-partisan ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct without statement of intention to affiliate with any of the parties participating in the primary election. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable and not otherwise provided herein the provisions of this act shall apply to the nomination of all candidates for city offices.

Sec. 14. The polls must be open at six o'clock of the morning of the day of primary election and must be kept open until seven o'clock in the afternoon of the same day, when the polls shall be closed; provided, however, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of general elections.

Sec. 15. The officers for primary elections shall be the same, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in section 1113 of the Political Code. And all the provisions of section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Sec. 16. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the primary election ticket of the political party designated in his affidavit of registration, as provided in section 1096 of the Political Code, or his right to vote the non-partisan primary ticket providing no such party is so designated, shall not be challenged on any ground or subjected to any tests other than those provided by the constitution and section 1230 of the Political Code of this state.

Sec. 17. Any elector qualified to take part in any primary election, who has, at least thirty days before the day of such primary election, qualified by registration, as provided by section 1096 of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinbefore provided; and shall, on writing his name or having it written for him on the roster, as provided by law for general elections in this state, receive the official primary election ballot of the political party designated in his affidavit of registration; (or the non-partisan ballot, providing no such party was so designated), and no other; provided, however, that no one shall be entitled to vote at any primary election who has not been a resident of the state one year, and of the county ninety days, preceding the day upon which such primary election is held. He shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

Sec. 18. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, nor even though such ballot be somewhat soiled or defaced.

Sec. 19. When a voter has stamped his ballot he shall fold it so that its face shall be concealed

Forty-Eighth Assembly District, August 25, 1914

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

OFFICIAL PRIMARY ELECTION BALLOT NON-PARTISAN BALLOT

Part-Right Assembly District, August 28, 1904

We vote for a person whose name appears on the ballot, under a name before the names on the ballot of the name of the person for whom we desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

JUDICIAL	County Clerk	Vote for One
Chief Justice Sup. Court	W. S. HALLAM	
WALTER WILSON	JAMES B. HARRISON	
JOSEPH J. HARRISON	ABRAHAM S. LATTIMER	
THOMAS WERTON		
Associate Justice Sup. Ct.	JOHN W. BARNES	
WILLIAM BARNES	M. J. FOSTER	
FRANK PACE	JOHN H. HARRISON	
SAMUEL SNOW	J. F. ALLEN	
GEORGE TAYLOR	CLARENCE S. CLARK	
Judge of the District Court of Appeal, First District	FLORIAN T. DE WITT	
ANTHONY WILSON	ALFRED S. BARNES	
PETER BARNES	JAMES B. HARRISON	
Judge of the District Court, Second District	J. S. HARRISON	
GEORGE BARNES	S. S. HARRISON	
WALTER CAMPBELL	S. W. HARRISON	
FRANK S. BARNES		
THOMAS BARNES		
ALFRED W. BARNES	The Sheriff	
	LEWIS HARRISON	
	WILLIAM HARRISON	
	S. W. HARRISON	
Judge of the Peace		
THOMAS HARRISON	James	
PETER HARRISON	C. H. DE WITT	
CLARENCE HARRISON	CHARLES W. HARRISON	
	THOMAS S. HARRISON	
SCHOOL	Public Administrator	
Sup. of Pub. Instruction	A. H. HARRISON	
CHARLES S. HARRISON	J. W. HARRISON	
FRANK S. HARRISON		
ALFRED HARRISON		
	JAMES S. HARRISON	
	S. C. HARRISON	
County Clerk of School	W. F. HARRISON	
THOMAS HARRISON		
J. W. HARRISON		
CHARLES HARRISON	James	
	JOHN S. HARRISON	
	J. S. HARRISON	
COUNTY AND TOWNSHIP		
Sup.		
J. F. HARRISON	Supervisor	
CHARLES S. HARRISON	S. S. HARRISON	
S. A. HARRISON	THOMAS HARRISON	
	JAMES S. HARRISON	
County Attorney		
A. S. HARRISON	Attorney	
JOHN S. HARRISON	S. W. HARRISON	
S. S. HARRISON	JOHN S. HARRISON	

and only the printed designation on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the register as having voted.

Sec. 20. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; provided, that no more than one member of the board shall at any time be absent from the polling place.

Sec. 21. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267 and 1268 of the Political Code of this state; provided, however, that the ballots of each party must be sealed and returned in separate envelopes, and the non-partisan ballots must be sealed and returned in another separate envelope. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count those cast by each party, and string them separately; count all the votes cast for each party candidate for the several offices and record the same on the tally lists; and count all the votes on all the ballots, both party and non-partisan, for the candidates for judicial, school, county, and township offices, and record the same on the tally lists.

Sec. 22. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election. The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party for each candidate for each judicial, school, county, or township office, for each candidate for delegate, if any, to a state convention from a hold-over senatorial district, and for each candidate for membership in the county central committee; and a duplicate as to each political party shall be delivered to the county, city and county or city chairman of such political party, as the case may be. The clerk shall also make an additional duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The county clerk or registrar of voters in any city and county shall forthwith send to the secretary of state by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, representatives in congress, judicial officers, except justices of the peace, delegate, if any, to a state convention from a hold-over senatorial district, and as to all persons voted for at the May presidential primary election. The clerk shall also prepare a separate statement of the names of the candidates of each political party who have received the highest number of votes for the several offices to be voted for wholly within such county,

city and county, or other political subdivision in which such primary election was held. The secretary of state shall, not later than the twenty-fifth day after any primary election, compile the returns for United States senator and for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, representatives in congress and judicial offices, except justices of the peace, delegate, if any, to a state convention from a hold-over senatorial district, and for all persons voted for at the May presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show, for each candidate, both the total of the votes received and the votes received in each congressional district of the state.

Sec. 23. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, the person receiving the highest number of votes, at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of the party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election; provided, he has paid the filing fee required by subdivision 8 of section 7 of this act. The name of the person in each political party who receives at a primary election the highest number of votes for United States senator shall also be placed on the official ballot under the heading "United States senator." In the case of a judicial office, school office, county office, or township office, the candidates equal in number to twice the number to be elected to such office, or less, if so there be, who receive the highest number of the votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; provided, however, that in case there is but one person to be elected at the November election to a judicial office, school office, county office, or township office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office at the ensuing election. Of the candidates for election to membership in the county central committee, the candidates equal in number to the number to be elected receiving the highest number of votes in their supervisorial district or assembly district, as the case may be in accordance with the provisions of subdivision 4 of section 23 of this act, shall be declared elected as the representatives of their district to membership in such committee. It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to such delegate a certificate of his election; and to cause to be issued official certificates of nomination to such candidates for judicial, school, county, or township office as may be entitled thereto under the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly and officers voted for in more than one county; and to issue certificates of election to all persons elected at the May presidential primary election as delegates to their respective national party conventions, and to notify each of said delegates of the total vote received by each of the persons voted for in his party at said election, under the heading "for presidential nominee." Not less

than thirty days before the November election the secretary of state shall certify to the county clerks or registrars of voters of each county and city and county within the state, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to provisions of this act, and whose nomination, evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 22 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person if any and the designation of the public office for which he is so nominated. The secretary of state shall also certify to the county clerk or registrar of voters the names of those persons who have received in their respective parties the highest number of votes for United States senator.

Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act.

2. The candidates of each political party for state officers, if any, except judicial and school officers, and such candidates for senate and assembly as have been nominated by such political party at the primary election, and in whose behalf nomination papers have been filed, together with one delegate chosen by such political party from each senatorial district represented by a hold-over senator, shall meet in a state convention at the state capitol at two o'clock in the afternoon of the third Tuesday in September after the date on which any primary election is held preliminary to the general November election. They shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following Thursday. They shall also proceed to elect a state central committee to consist of at least three (3) members from each congressional district, who shall hold office until a new state central committee shall have been selected. In each year of the general November election at which electors of president and vice president of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of president and vice president of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots at the ensuing November election.

Membership in the state convention shall not be granted to a party nominee for a state office or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section 5 of this act; and, in every such case, a vacancy shall be deemed to exist; and any vacancy thereby existing, or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. In any senatorial district represented by a hold-over senator there shall be chosen at such primary election by the electors of every political party one delegate to the state convention, who shall have nomination papers circulated in his behalf, shall have his name placed upon the ballot, and shall be chosen in the same manner as a state senator is nominated from any senatorial district; but no such delegate shall be disqualified by reason of holding any office, nor shall any filing fee be required in order to have his name placed upon the ballot. The term "hold-over senator" as herein used is

apply to a state senator whose term of office extends beyond the first Monday in January of the year next ensuing after the primary election, and the term "hold-over senatorial district" shall apply to the district represented by such hold-over senator.

In the event that there shall not have been any nomination paper for a candidate for any state office or office of senator or assemblyman by the electors of any political party, the vacancy thus created in the state convention of such party shall be filled as follows:

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county or city and county, by appointment by the newly elected county central committee of such party in such county or city and county.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the newly selected chairman of the several newly elected county central committees of such party in such counties.

(c) If the vacancy occurs in a state office, by appointment by the state central committee of such party.

Such delegate so appointed shall present to the convention credentials signed by the chairman and the secretary of the appointing committee, or by the appointing chairmen of the several committees, as the case may be.

3. Each state central committee may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties. It shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by the such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

4. At each August primary election there shall be elected in each county or city and county a county central committee for each political party, which shall have charge of the party campaign.

Under the general direction of the state central committee or of the executive committee selected by such state central committee. In all counties or cities and counties containing five or more assembly districts the county central committee shall be elected by assembly districts and shall consist of one member for each one thousand electors or fraction thereof in each such assembly district registered as belonging to the political party with which such electors are affiliated as shown by the register of voters of such county or city and county on the first Monday of June next preceding said primary election. In all counties containing less than five assembly districts the county central committee shall be elected by supervisorial districts, and the number to be elected from any supervisorial district shall be determined as follows: the number of electors registered in any supervisorial district as intending to affiliate with any political party shall be divided by one-twentieth of the number of electors registered in the entire county as intending to affiliate with said party, as such registration exists, in each case, on the first Monday of June next preceding the primary election; and the integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by such party in said supervisorial district. The county clerk or registrar of voters in each county or city and county shall, between the first Monday and the second Monday of June next preceding the primary election, complete the number of members of the county central committee allotted to each assembly district or supervisorial district, as the case may be, by the provisions of this subdivision. Each candidate for member of a county central committee shall appear upon the ballot upon the filing of a nomination paper according to the provisions of section 5 of this act, signed in his behalf by the electors of the political subdivision in which he is a candidate, as above provided; and the num-

ber of candidates to which each party is entitled, as hereinbefore provided, in each political subdivision, receiving the highest number of votes shall be declared elected. Each county central committee shall meet in the court house at its county seat on the second Tuesday in September following the August primary election, and shall organize by selecting a chairman, a secretary and such other officers and committees as it shall deem necessary for carrying on the campaign of the party.

Sec. 25. In case as a result of any primary election a person has received a nomination to any elective office without first having filed nominating papers and having his name printed on the primary election ballot, he may at least thirty days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nominating papers had he been a candidate for nomination, his request therefor in writing, signed by him and acknowledged before the county clerk of the county in which he resides, and no name so withdrawn shall be printed on the election ballot for the ensuing general election. The vacancy created by the withdrawal of such person as aforesaid, or on account of the ineligibility of such person to qualify as a candidate because of the inhibitions of subdivision 3 of section 5 of this act shall not be filled. In all other cases vacancies occurring after the holding of any primary election may be filled by the party committee of the city, county, city and county, or state, as the case may be, unless such vacancy occurs among candidates chosen at the primary election to go on the ballot for the succeeding general election for a judicial, school, county, or township office according to the provisions of section 23 of this act, in which case that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot according to the provisions of said section 23, shall go upon said ballot to fill said vacancy.

Sec. 26. In case of a tie vote, if for an office to be voted for wholly within one county or city and county, the county, city and county or city board, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration.

Sec. 27. Whenever it shall be made to appear by affidavit to the supreme court or district courts of appeal or superior court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of voters in any city and county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Sec. 28. Any candidate at a primary election, desiring to contest a nomination of another candidate for the same office, may, within five days after the completion of the official canvass, file an affidavit in the office of the clerk of the superior court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have

a recount of the ballots cast in any such precinct or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or other service than as herein provided need be made upon the contestee. Upon the filing of such affidavit the county clerk shall forthwith post in a conspicuous place in his office, upon a bulletin board to be prepared for that purpose, and to have upon it in conspicuous letters the words "notice of primary election contests" a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the superior court of the county shall have jurisdiction of the subject matter and of the parties to such contest, and all candidates at any such primary election are permitted to be candidates under this act, upon the condition that such jurisdiction for the purposes of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the county clerk to become a part of the records of the contest. Within two days after the expiration of the time for filing such affidavits, the county clerk shall present all such affidavits and proof of posting as aforesaid to the judge of the superior court of the county, or any judge acting in his place, or the presiding judge of the superior court of a county or city and county, or any one acting in his stead, which judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed, and in counties or cities and counties where there are more than one superior judge, assign all the cases to one department by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more than three days from the presentation of the matter to the court by the county clerk, as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose shall be permitted, and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the contestee in any other manner than by answer, and all the objections of the contestee must be contained in his answer in the contest. The court if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the judge shall be of opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, if there be only one judge for such county, he may obtain the service of any other superior judge, and the proceedings shall be the same as herein provided in counties where there is more than one superior court judge. If the proceeding is in a county or city and county where there is more than one superior court judge, the judge to whom the case or cases shall be assigned, shall notify the presiding judge forthwith, of the number of judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the primary election, and

the said presiding judge shall forthwith designate as many judges as are necessary to such completion of such contest, by order in writing, and thereupon all of the judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said judge designated by said last mentioned order, including the judge to whom said contests were originally assigned, shall convene upon notice from the judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such judges will recount, sitting separately, and thereupon such recount shall proceed before each such judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such judge as to all the contests pending, so that the ballots opened before one judge need not be opened before another judge or department, and the proceedings before such judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the court in making the same, shall be the same as in contested elections, and the judge shall fix the pay or compensation for such persons and require the payment each day in advance, of the amount thereof by the person who is proceeding with and requiring the recount. When the recount shall have been completed in the manner herein required, if more than one judge has taken part therein, all the judges who took part shall assemble and make the decision of court, and if there be any differences of opinion, a majority of such judges shall finally determine all such questions, and give the decision or judgment of the court in such contest or contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the county clerk or registrar of voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in section 27 of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the secretary of state from the compilation of election returns in his office, then the judgment in each county shall show what, if any changes in the returns in the office of the secretary of state relating to such county or city and county, ought to be made, and all such judgments shall be served upon the secretary of state, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or judgments require, and conform his compilation and his certificate of nomination in accordance therewith.

Sec. 29. No candidate for nomination to any elective office, including that of United States senator in congress, shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the preparing, printing, circulating, and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, telephoning, relative to candidacy.

Sec. 30. Every person who shall be a candidate for nomination to any elective office, including that of United States senator in congress, shall make in duplicate, within fifteen days after primary election, a verified statement, setting in each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his election, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 29 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his election, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided been filed, and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer herein specified for the filing of such statements or a copy thereof.

Sec. 31. Any person violating any of the provisions of section 29 or section 30 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid.

Sec. 32. 1. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

2. Any person who, being in possession of any nomination paper or papers and affidavits

entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this act.

Sec. 33. It shall be the duty of the secretary of state and the attorney general to prepare on or before August 1, 1913, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Sec. 34. This act shall be known as the direct primary law.

Sec. 35. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

Sec. 36. The act approved April 7, 1911, known as the direct primary law, and also the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said direct primary law, are hereby repealed; and all other acts or parts of acts, inconsistent with or in conflict with the provisions of this act, are also hereby repealed.

ARGUMENT IN FAVOR OF THE "DIRECT PRIMARY LAW."

This so-called "nonpartisan law" has not a single provision that seeks to destroy political parties. It simply adds a few non-political officials to the long list already elected non-partisanly. It requires partisan elections of United States senators, representatives in congress, party committeemen, delegates to national party conventions, and presidential electors.

Federal officers should remain partisan because the national government, unlike the state government, deals with national policies, such as the tariff, thus furnishing the only questions upon which parties divide.

The government of states, however, like that of municipalities, ought to be merely a matter of humane and enlightened administration and of efficient business management. To inject national party lines into state governments is

to inject a false issue. To elect a governor or legislature on party issues is like choosing the president and directors of a business concern because they are Democrats or Republicans or Progressives.

This new law improves the old one in many particulars. It provides one ballot at the primary instead of the six separate ballots required by the former law. It insures that every state official may hereafter be elected by a majority instead of a mere plurality as under the party system. In various ways it reduces the expense of making campaigns. It completely revises the primary law, making it simpler, clearer, and more workable.

Nonpartisanship in California is already an accomplished fact. Under the old law which has been in force several years, 2300, or over 99 per cent, of her state, district, county, township, judicial, and school officers are already nonpartisan, as are also her thousands of city officials.

The nonpartisan election of all these officers has proved so satisfactory that this new law now proposes to include in the nonpartisan election system the state legislature—as is already done in Minnesota—and the eleven remaining state officials who are still elected as partisans.

This nonpartisan law is not a party measure. It was passed in the legislature by votes of members registered in all five parties. It presents no novel principle, but merely provides a small and logical extension to a principle already well established and definitely approved in California.

The claim of party politicians that this slight extension means disaster to national parties is, of course, absurd. After having survived the thousands of municipal, county, and state nonpartisan offices already in existence, parties may safely be trusted to survive the few new ones here added.

In considering the desirability of this law, it is only right to consider the political character of its enemies and its friends. Opposing it are the disgruntled remnants of the old political machine, who now fear that its enactment will prevent their regaining control of the government they so long disgraced.

Favoring the law are Governor Johnson and those men of all parties who have steadfastly during the past five years labored in the cause of a better and more efficient state government. All citizens in sympathy with these efforts should vote "YES" upon this measure.

C. C. YOUNG,
Speaker of the Assembly.

ARGUMENT AGAINST DIRECT PRIMARY MEASURE.

Ours is a government by political parties, as have been practically all successful governments in the world's history. In California, political parties have been removed in county and municipal government; it is now sought to remove them from state government.

People are prone to divide upon every question presented. If they do not divide on political lines, they will divide upon racial, religious, fraternal, sectional, personal or other lines, any one of which will breed bitterness, hatred and strife. We have seen many unfortunate instances of such divisions, viz., race riots, bloodshed and even civil war.

There is no state in the Union where nonpartisanship exists. What is the urgent necessity for forcing this innovation upon us here? Have we not grown prosperous under government responsible to political parties?

In the recent legislature, of which the undersigned was a member, this measure was forced through by devious methods, to perpetuate the present administration machine in office. If this measure should become the law, how would this administration machine ever be combatted? Without any political party organization recognized by law it must then remain for some other organization of the nature above specified to take up the battle.

It is infinitely better that your officials should follow policies and principles promulgated and widely advertised by legally constituted party conventions, than merely be responsive to individual doctrines and isms.

Political parties have their component parts in every portion of the state. Has any individual, save perhaps those controlling the present administration machine, the power or facility of perfecting an organization for a state-wide campaign? Decidedly, no. Possibly some extremely wealthy person might aspire to state office, in the event of so-called nonpartisanship, but the man of ordinary circumstances would be forever foreclosed therefore. This is a demonstrated fact. Do you people propose to irrevocably place our state government into the hands of the present machine, forever debarring yourselves from removing it into other hands? Vote NO upon this measure and retain your inalienable American privilege of dismissing from office any person or set of persons who may be or become undesirable.

The present administration was elected on party lines, the Progressive. Why this sudden ambition to abandon their party fealty? Is it not because they know that the Progressive party as a national organization is about gasping its last breath? Is it not because of this belief, that they are endeavoring to securely intrench themselves in office here, while their party passes into history?

Representative government, as ours is, must be conducted on party lines—our opponents admit this regarding federal offices. They claim that parties are good in the nation, but bad in the state. Party lines lead to good government—nonpartisanship leads to disorganization, then disorder, then chaos and ultimately anarchy. Do you Californians want the red flag of anarchy to float over our fair land or do you want the Stars and Stripes to continue to wave? The choice is with you. Be on the safe side, and vote NO.

MILTON L. SCHMITT,
Assemblyman Thirty-first District.